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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,667	08/07/2001	Gayle Hargrave-Thomas	5658/749	3666

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EXAMINER

PICKETT, JOHN GREGORY

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,667

Applicant(s)

HARGRAVE-THOMAS, GAYLE

Examiner

Gregory Pickett

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,
the features of claims 21 and 31 concerning at least two fasteners located at the perimeter of the front and rear members and a telescoping rod,
and the features of claims 32 and 36 concerning at least two flanges attached to the perimeter of the front and rear members with a threaded fastener removably and adjustably affixing the flanges to the perimeter of the front and rear members,
must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following: 35 U.S.C. 112, first paragraph, requires the specification "shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same." The specification does not

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enable a person skilled in the art to make the features of claims 21, 31-32, and 36. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

Regarding claims 21 and 31, the features concerning at least two fasteners located at the perimeter of the front and rear members are not enabling in size, shape, or method of fastening. The examiner questions whether the fasteners need to be adjustable.

As to claims 32 and 36, the features concerning at least two flanges attached to the perimeter of the front and rear members with a threaded fastener removably and adjustably affixing the flanges to the perimeter of the front and rear members are not enabling. The specification does not disclose the size, shape, or orientation of the flanges, nor is the method of adjustability disclosed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 21, 31-32, and 36-37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 21 and 31, the limitations concerning at least two fasteners located at the perimeter of the front and rear members are not enabling in size, shape, or method of fastening. The examiner questions whether the fasteners need to be adjustable.

As to claims 32 and 36, the limitations concerning at least two flanges attached to the perimeter of the front and rear members with a threaded fastener removably and adjustably affixing the flanges to the perimeter of the front and rear members are not enabling. The claims or specification do not disclose the size, shape, or orientation of the flanges, nor is the method of adjustability disclosed.

Claim 37 is dependent on claim 36 and is rejected under 35 U.S.C. 112, first paragraph, as it does not cure the deficit.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 24, page 13, lines 1-2, recites "said spindle extending through the center of said members". According to figures 2-3, this claim is incorrect, the spindle end 21 does not extend "through" the member 10b.

Claim 24 recites the limitation "said front and rear portions" in claim 24. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 34-35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Reinhard (USPN 3,053,424).

Reinhard describes a pair of generally flat frame members, 21 and 22, arranged generally parallel to each other defining a gap therebetween (Figure 1). Handle 44 is located on member 21, and retention means 12 is located on member 21. Retention means 12 and frame members 21 and 22 cooperate to hold blades 5, 6, 7, and 8 within a gap (Figure 1).

Reinhard further describes divider 51 for separating blades 5, 6, 7, and 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-8, 11, 16-18, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhard in view of Fuller (USPN 1,137,126).

Regarding claim 1, Reinhard describes a carry case with front member 22, rear member 21, spindle 12, handle 44 attached to rear member 21. Front member 22 and rear member 21 together form a frame larger than the diameter of at least one circular saw blade, retaining a varying number of said saw blades by spindle 12 (figure 1).

Reinhard further describes ribs 26 and 42 to add to the stiffness of members 21 and 22.

Reinhard does not describe crossbars extending across the front and rear members.

Fuller describes a shipping container with crossbars 5 extending across the front and rear members 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reinhard with the crossbars of Fuller in order to enhance the stiffness of members 21 and 22.

As to claim 2, the case of Reinhard modified with crossbars as taught by Fuller would have crossbars extending over the substantial center of members 21 and 22.

Regarding claims 3-5, Reinhard describes a spindle 12 removably received by receptacle 23 on member 22. Spindle 12 extends through the substantial centers of members 21 and 22 and passes through an arbor hole of blades 5,6, 7, and 8.

Reinhard does not describe spindle 12 attached to member 21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the spindle 12 to member 21 through a rudimentary means such as welding as such a retention is conventional in the fastener art.

Regarding claims 7-8, Reinhard describes members 21 and 22 that are substantially parallel (Figure 1) and Fuller describes members 2 that are circular in shape.

As to claim 11, it is deemed an obvious matter of design choice of a well known material conventionally used in the case art and would have been obvious to be used for the Reinhard case modified as taught by Fuller if so desired or found necessary.

As to claims 16-17, the case of Reinhard modified with crossbars as taught by Fuller would have a panel area on member 22 created by the crossbars suitable for retaining an advertisement. Said panel area would be less than one-half of member 22.

Regarding claims 18 and 20, Reinhard describes spindle 12 with fastening means 54. Fastening means 54 is threaded, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any number of conventional fastening means, including cotter pins, to secure member 22.

As to claim 22, Reinhard describes dividers 51 for separating blades 5-8.

7. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhard in view of Fuller as applied to claim 1 above, and further in view of Wiepert (USPN 2,636,641).

Wiepert discloses a pivotal handle 20 for a container that is rotatable towards its mounting plane. Handle 20 is inserted into handle receptacles 16 and 17. It would have been obvious to one of ordinary skill in the art at the time the invention was made

to apply the handle of Wiepert to the case of Reinhard modified as taught by Fuller since such a folding handle is common and well known in the container art.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhard in view of Fuller as applied to claim 1 above, and further in view of Rackley (USPN 5,078,266).

Rackley describes a saw blade housing 10 with front member 12 and rear member 11 having a square shape. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the case of Reinhard with the square shape taught by Rackley to facilitate vertical storage.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhard in view of Fuller as applied to claim 1 above, and further in view of Howard (USPN 3,874,547).

Regarding claim 10, Howard describes a container 10 fabricated from a steel wire rod mesh. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the case of Reinhard with a wire rod mesh as taught by Howard in order to reduce the weight when carrying a plurality of saw blades. Further, it would have been obvious to one of ordinary skill in the art through routine experimentation in view of weight and strength to select an appropriate gauge of steel wire rod. Such experimentation would have yielded a 6-gauge steel wire as claimed by the applicant if so desired or found necessary.

10. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhard in view of Fuller as applied to claim 1 above, and further in view of Hirose et al. (USPN 4,955,471).

Hirose et al. describes a shipping container 11 with a plurality of packing methods. Hirose et al. describes an outer covering 25 attached to the perimeter of the front and rear members (Figures 8(a)-8(d)) and an outer covering band 14 not attached to the front and rear members (Figures 6(a)-6(b)). Hirose et al. further discloses bands 23 of polypropylene (Col. 8, In 7-8), of which EMPP (elastomer modified polypropylene) is a sub group, and cover 14 of paper or plastic film (Col. 7, In 5-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the case of Reinhard with covers as taught by Hirose et al. in order to protect the contents during shipping and storage.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhard in view of Fuller as applied to claims 1 and 18 above, and further in view of Stanley (USPN 4,784,263).

Stanley describes a saw blade carrier 10 with a threaded shaft 18 and threaded opening 22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reinhard with a threaded shaft and threaded opening as taught by Stanley as an alternate form of fastening since such a connection is common and conventional in the fastener art.

12. Claims 26-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhard in view of Howard.

Regarding claims 26 and 27, Reinhard describes a package for saw blades with a pair of frame members 21 and 22 defining a gap therebetween for sandwiching and retaining saw blades (Figure 1). The package of Reinhard includes a spindle 12.

Reinhard does not disclose frame members having one or more openings.

Howard describes a container 10 fabricated from a steel wire rod mesh with a plurality of openings. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the package of Reinhard with a wire rod mesh as taught by Howard in order to reduce the weight when carrying a plurality of saw blades.

As to claim 28, Reinhard does not describe spindle 12 attached to member 21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the spindle 12 to member 21 through a rudimentary means such as welding as such a retention is conventional in the fastener art.

Regarding claims 29-30, the spindle 12 of Reinhard extends between the substantial centers of frame members 21 and 22 and passes through an arbor hole in each of saw blades 5, 6, 7, and 8 (Figure 4).

As to claim 33, Reinhard describes divider 51.

Allowable Subject Matter

13. Claims 24-25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).


Conclusion


14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Freeze (USPN 1,212,758) discloses a crate for disc shaped objects with fasteners located on the perimeter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 703-305-8321. The examiner can normally be reached on Mon-Fri, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Gregory Pickett
Examiner
October 11, 2002


Mickey Yu
Supervisory Patent Examiner
Group 3700